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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,229	08/20/2001	Blue John Ramsey	78104.025	9574

7590 07/27/2006

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EXAMINER	
WONG, EDNA	

ART UNIT	PAPER NUMBER
1753	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/857,229	RAMSEY ET AL.	
	Examiner	Art Unit	
	Edna Wong	1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *34,36-45 and 50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *34,36-45 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

This is in response to the Amendment dated June 7, 2006. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

Claim Rejections - 35 USC § 102

I. Claims **34 and 36-45** have been rejected under 35 U.S.C. 102(b) as being anticipated by **Varadan et al.** (US Patent No. 5,366,664).

The rejection of claims 34 and 36-45 under 35 U.S.C. 102(b) as being anticipated by Varadan et al. has been withdrawn in view of Applicants' remarks.

II. Claim **50** has been rejected under 35 U.S.C. 102(b) as being anticipated by **Varadan et al.** (US Patent No. 5,366,664).

The rejection of claim 50 under 35 U.S.C. 102(b) as being anticipated by Varadan et al. has been withdrawn in view of Applicants' remarks.

Response to Amendment

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: -- A Lithographic Ink --.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

I. Claims **34 and 36-45** are rejected under 35 U.S.C. 103(a) as being unpatentable over **JP 62-288655** ('655) in combination with **Bockrath** (US Patent No. 5,132,394).

JP '655 teaches a lithographic ink for use in a lithographic printing process onto a polymer substrate, the ink comprising:

(a) a metal or carbon particulate material suspended in a mixture of a resin (= a filler or reinforcing agent = carbon fibers and metallic fibers) [Caplus abstract]; and

(b) an organic solvent (= a coloring agent = solvent red, solvent orange, solvent yellow, and dispersed violet) [DWPI abstract],

wherein the resin comprises a polyamide (= polyamide = hexamethylenediamine-sebacic acid copolymer) [DWPI and Caplus abstracts], and the metal or carbon particulate material constitutes a percentage weight of the ink (*inherent*).

The ink of JP '655 differs from the instant invention because JP '655 does not disclose the following:

a. Wherein the ink comprises an antioxidant, as recited in claim 34.

JP '655 teaches an organic stabilizer (= such as a phenolic stabilizer) [JPAB abstract].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the ink described by JP '655 with wherein the ink comprises *an antioxidant* because *a stabilizer* is a substance added to another substance or to a system to prevent or retard an unwanted alteration of physical state. Thus, the organic stabilizer disclosed by JP '655 would have naturally been an antioxidant by preventing or retarding oxidation or reactions promoted by oxygen, peroxides, or free radicals of the thermoplastic resin.

b. Wherein the metal or carbon particulate material constitutes 50%-90% of the weight of the ink, as recited in claim 34.

Like JP '655, Bockrath teaches fiber-reinforced composites comprising amide-imide copolymer matrix resins (col. 1, lines 14-20). The fiber is a carbon particulate or short fiber filler, or reinforcing material. The continuous fiber-reinforced compositions may comprise *up to about 40 wt%* of these additional particulate or fibrous materials or a combination thereof. Higher filler levels, e.g., *up to about 60 wt%*, are suitable for molding compounds for compression molding, e.g., chopper fiber molding compositions (col. 13, lines 18-66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the metal or carbon particulate material described

by JP '655 with wherein the metal or carbon particulate material constitutes 50%-90% of the weight of the ink because higher filler levels, e.g., *up to about 60 wt%*, would have been suitable for molding compounds for compression molding, e.g., chopper fiber molding compositions, as taught by Bockrath (col. 13, lines 18-66).

Thus, the wt% of the metal or carbon particulate material is a result-effective variable and one skilled in the art has the skill to calculate the wt% of the metal or carbon particulate material that would have determined the success of the desired reaction to occur, e.g., mechanical properties, chemical properties, tensile strength, stiffness and conductivity (MPEP § 2141.03 and § 2144.05(II)(B)).

c. The claim limitations of claims **36-45**.

The invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made because the claim limitations of claims 36-45 do not further limit the composition or components of the ink, and thus, fail to distinguish the ink from prior art.

II. Claim **50** is rejected under 35 U.S.C. 103(a) as being unpatentable over **JP 62-288655** ('655) in combination with **Bockrath** (US Patent No. 5,132,394).

JP '655 teaches a lithographic ink for use in a lithographic printing process, the ink comprising:

(a) a particulate material which constitutes a percentage weight of the ink,

the particulate material including metal or carbon (= a filler or reinforcing agent = carbon fibers and metallic fibers) [Caplus abstract]; and

(b) a mixture wherein the particulate material is suspended, the mixture including:

(i) a polyamide resin (= polyamide = hexamethylenediamine-sebacic acid copolymer) [DWPI and Caplus abstracts]; and

(ii) an organic solvent (= a coloring agent = solvent red, solvent orange, solvent yellow, and dispersed violet) [DWPI abstract].

The ink of JP '655 differs from the instant invention because JP '655 does not disclose the following:

a. Wherein the mixture includes an antioxidant, as recited in claim 50.

JP '655 teaches an organic stabilizer (= such as a phenolic stabilizer) [JPAB abstract].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mixture described by JP '655 with wherein the mixture includes *an antioxidant* because *a stabilizer* is a substance added to another substance or to a system to prevent or retard an unwanted alteration of physical state. Thus, the organic stabilizer disclosed by JP '655 would have naturally been an antioxidant by preventing or retarding oxidation or reactions promoted by oxygen, peroxides, or free radicals of the thermoplastic resin.

b. Wherein the particulate material constitutes 50%-90% of the weight of the ink, as recited in claim 50.

Like JP '655, Bockrath teaches fiber-reinforced composites comprising amide-imide copolymer matrix resins (col. 1, lines 14-20). The fiber is a carbon particulate or short fiber filler, or reinforcing material. The continuous fiber-reinforced compositions may comprise *up to about 40 wt%* of these additional particulate or fibrous materials or a combination thereof. Higher filler levels, e.g., *up to about 60 wt%*, are suitable for molding compounds for compression molding, e.g., chopper fiber molding compositions (col. 13, lines 18-66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the particulate material described by JP '655 with wherein the particulate material constitutes 50%-90% of the weight of the ink because higher filler levels, e.g., *up to about 60 wt%*, would have been suitable for molding compounds for compression molding, e.g., chopper fiber molding compositions, as taught by Bockrath (col. 13, lines 18-66).

Thus, the wt% of the particulate material is a result-effective variable and one skilled in the art has the skill to calculate the wt% of the particulate material that would have determined the success of the desired reaction to occur, e.g., mechanical properties, chemical properties, tensile strength, stiffness and conductivity (MPEP § 2141.03 and § 2144.05(II)(B)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edna Wong
Primary Examiner
Art Unit 1753

EW
July 24, 2006